IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.3142 OF 2006

Crompton Greaves Ltd. ..Petitioner.

V/s.

Union of India & Ors. ..Respondents.

Mr.Aditya Chitale for petitioner.

Mr.Y.S.Bhate with D.A. Dube for respondents.

CORAM : DR. S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 6TH FEBRUARY, 2007.

P.C. :-

. Rule, returnable forthwith. Learned counsel for the respondents waives service. By consent of the parties taken up for final hearing.

2. By this petition, the petitioner is challenging the order dated 31st October, 2006 passed by the Commissioner of Central Excise (Appeals) directing the petitioner to make a pre-deposit of 25% amount of the excise demand.

3. It appears that the petitioner had lodged this petition on 15th December, 2006. However, it appears that on 14th December, 2006 the Commissioner of Central Excise (Appeals) had dismissed the appeal of

the petitioner on the ground of non compliance of the aforesaid order of pre-deposit.

4. The learned counsel for the petitioner states that petitioner will comply with the order dated 31st October, 2006 by depositing 25% of the pre-deposit amount within a period of two weeks from today with the Commissioner of Central Excise (Appeals).

5. In view of the aforesaid statement, we quash and set aside the order dated 14th December, 2006 and restore the appeal on the file of Commissioner of Central Excise (Appeals) subject to the condition of deposit of the aforesaid pre-deposit of 25% amount within a period of two weeks from today, failing which the order passed by the Commissioner of Central Excise (Appeals) dated 14th December, 2006 will stand revived.

6. Petition stands disposed of and rule is made absolute in above terms.

(DR.S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)